

Before the  
**Federal Communications Commission**  
Washington, DC 20554

In the Matter of

Continental Airlines, Inc.

Petition for Declaratory Ruling Regarding  
Whether Certain Restrictions on Antenna  
Installation Are Permissible Under the  
Commission's Over-the-Air Reception  
Devices (OTARD) Rules

ET Docket No. 05-247

**REPLY OF CONTINENTAL AIRLINES, INC.  
TO THE MASSACHUSETTS PORT AUTHORITY  
MOTION FOR EXTENSION OF TIME**

Continental Airlines, Inc. ("Continental"), through its undersigned counsel, respectfully responds to the Motion for Extension of Time ("Motion")<sup>1</sup> filed by the Massachusetts Port Authority ("Massport") in the above-captioned matter.<sup>2</sup>

While Continental does not object to a brief extension of time, it does object to Massport's characterization of the dispute that Continental has placed before the Commission. Massport's Motion attempts to paint this matter as merely a disagreement between private parties that perhaps can be resolved by means of private dispute resolution and, therefore, one in which

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<sup>1</sup> Massachusetts Port Authority, Motion for Extension of Time, ET Docket No. 05-247, filed August 16, 2005 (*Massport Motion*).

<sup>2</sup> See *OET Seeks Comment on Petition from Continental Airlines for Declaratory Ruling Regarding Whether Certain Restrictions on Antenna Installation are Permissible under the Commission's Over-the-Air Reception Devices (OTARD) Rules*, ET Docket No. 05-247, Public Notice, DA 05-2213, 2005 FCC Lexis 4373 (rel. July 29, 2005).

the Commission need not be involved.<sup>3</sup> Continental disputes that characterization and asserts that this matter raises significant public policy issues for the flying public and all airport tenants with regard to the Commission's Over-the-Air Reception Devices ("OTARD") rules and its recently issued Policy Statement regarding preservation and promotion of the interconnected nature of public Internet. Likewise, Continental's ability and flexibility to craft wireless solutions for its own internal operations and for its customers at Boston-Logan International Airport ("Logan") and elsewhere are at issue. Much more is at stake in this matter than the interpretation of restrictions in a lease agreement and it is strongly in the public interest that the Commission resolve the public policy issues presented and resolve them promptly. Massport believes airport tenants, including but not exclusively airlines, are required to use its Wi-Fi system notwithstanding the OTARD rules and are not allowed to operate their own systems. Massport has even questioned the legality of the OTARD rules. Continental believes it has the right to operate its own Wi-Fi system at Logan and seeks by its petition to the Commission to vindicate its rights under the OTARD rules. Clearly, the Commission will substantially benefit the public, not only Continental and Massport, by resolving the public policy issues presented and Massport's interpretation of the OTARD rules.

Continental would like to further clarify the record by stating that it is not in discussions with Massport with a view towards settling any dispute it has with Massport on this matter nor has it requested that Massport "explore options for meeting Continental's commercial interests."<sup>4</sup> Any discussions Continental has had with Massport have been in an attempt to understand what public safety issues Massport alleges have arisen as a result of the use of Continental's Wi-Fi system at Logan and to assess Massport's allegations of interference with other Wi-Fi systems.

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<sup>3</sup> *Massport Motion*, p. 2.

<sup>4</sup> *Id.*

Continental has been listening to Massport, not engaging in settlement discussions. Continental continues to believe Massport's allegations are without any basis in fact and, if there were interference, technical solutions are available (and are widely used at airports and elsewhere) to remedy such interference without attempting to deprive Continental of its rights under the OTARD rules to operate its own Wi-Fi system.

In Continental's view, there is no need for an extension of time and the public interest is best served by speedy resolution of Massport's claim that the OTARD rules do not apply and do not allow Continental to operate its Wi-Fi system at Logan. Nevertheless, if the Commission is inclined to grant an extension, Continental does not object to a brief one.

Respectfully submitted,

**CONTINENTAL AIRLINES, INC.**

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Dated: August 18, 2005

## **CERTIFICATE OF SERVICE**

I, Edgar Class, do hereby certify that on this 18th day of August 2005, a copy of the foregoing “*Reply of Continental Airlines, Inc. to the Massachusetts Port Authority Motion for Extension of Time*” was sent via first-class mail, postage paid, except as otherwise noted, to the following:

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